

by Mr. DeChaumes. Messrs. Taylor, Bryan and Scarborough were appointed said committee.

Mr. Sublett, chairman on the part of the Senate of the Joint committee on Enrolled Bills, reported the following bills correctly enrolled, and that they had this day been submitted to the Governor for his approval :

A bill originating in the Senate to incorporate the Howard Association of Galveston ; and

A bill originating in the House to amend an act incorporating the Clarksville and Mount Pleasant Turnpike company.

On motion of Mr. Jowers, a bill for the relief of the colonists of Fisher & Miller's colony, originating in the House, was taken up and read first time.

On motion of Mr. Kyle, the rule, was suspended, bill read second time and passed to a third reading.

On motion of Mr. Taylor, the House's bill to establish a system of schools was taken up and read first time.

On motion of Mr. Taylor, the rule was suspended, bill read second time and referred to the committee on Education.

On motion of Mr. Armstrong, a bill for the relief of the colonists of Fisher & Miller's colony was taken up, and on motion of Mr. Taylor, referred to the committee on Public Lands.

A bill concerning certain liabilities reported by the Auditor and Comptroller and confirmed by the Legislature ; read.

On motion of Mr. Allen, the Senate adjourned until 9 o'clock to-morrow morning.

THURSDAY, January 19, 1854.

Senate met pursuant to adjournment—prayer by the Rev. Mr. Craig—roll called—quorum present.

The Journal of yesterday read and adopted.

Mr. Bryan presented the petition of Joseph Hughes, for 320 acres of land ; referred to the committee on Private Land Claims.

Mr. Gage, from the committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to whom was referred a bill to amend the Burksville and Henderson Railroad charter, have had the same under consideration, and find the bill

not only proposes to amend, but adds rights and privileges by way of supplement. The committee are of opinion, that these additional privileges are not inconsistent with the rule heretofore observed by the Legislature in granting Railroad charters. With the view of embracing all the matters set forth in the bill, as well as such additional privileges as are thought to be necessary to facilitate the construction of said road, I am instructed by a majority of the committee to report the accompanying substitute and to recommend its adoption.

Mr. Jowers, chairman of the committee on Public Lands, to whom was referred a bill for the relief of the colonists of Fisher & Miller's colony, reported the same back to the Senate and recommended its passage.

Mr. Lott, chairman of a Select committee, made the following report :

The Select committee, to whom was referred the memorial of a number of the citizens of Smith and other counties, asking that the chemical practice of medicine, as taught and practiced by Dr. J. H. Blalock, have equal privileges, regulations and guarantees with other systems of practice that may be established by law. From the number and respectability of the petitioners, the committee could not hesitate in extending to them and that practice the same rights, privileges and guarantees which is extended by law to other systems ; but as nothing of the kind is proposed, nor any exclusive privileges granted to any incorporated medical association, or board of censors, and petitioners desire only the same rights that others have, the committee ask to be discharged from the further consideration of the same.

Mr. Bryan introduced a bill to amend an act incorporating the Buffalo Bayou, Brazos and Colorado Railroad company, approved February 11th, 1850 ; read first time, and on motion of Mr. Bryan, rule suspended, read second time and ordered to be engrossed.

On motion of Mr. Bryan, rule further suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Durst, Gage, Guinn, Hart, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McDade, Millican, Newman, Paschal, Potter, Scarborough, Scott, Sublett, Superviele, Weatherford and Whitaker—26.

NAYS—Messrs. Taylor and Wren.—2.

Mr. Potter, chairman of a Select committee, made the following report :

COMMITTEE-ROOM, Jan. 12, 1854.

° *To the Honorable President of the Senate :*

A majority of the Special committee, to which was referred a bill entitled an act to promote internal improvements by carrying out the contract with Frederick Dawson, have had the same under consideration, and have instructed me to report :

That the claim of Mr. Dawson is just and ought to be paid, and that the bill referred to them is most liberal in its terms in behalf of the State, and one that, if passed, cannot but redound to the benefit of the country.

It provides that Mr. Dawson shall not only re-invest the amount due him for the navy built by him for the Republic of Texas, but an additional sum of equal amount, in internal improvements in the State of Texas.

It is understood the willingness of Mr. Dawson to adopt this mode of payment is based on his confidence that he can find, in the various internal improvements authorised by this State, investments to justify the offer, and the committee believe that it is also prompted by the good feelings it is known Mr. Dawson has always evinced towards Texas.

The inherent merits of Mr. Dawson's claim, and which impel the committee to take it thus out of the mass of the other indebtedness of the State, cannot better be explained than by reference to the favorable report of the committee on Claims and Accounts of the Senate of the last Legislature. In the words of that report :

COMMITTEE ROOM, Jan. 29, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate :

The committee on Claims and Accounts to which was referred a bill to be entitled an act to pay Frederick Dawson, have had the same under consideration, and after a full investigation of the merits of his claim, they have instructed me to report that the memorial to this Legislature by the said Dawson, in relation to his claim, and the circumstances of the contract entered into by him for furnishing the Republic of Texas with a navy, is scrupulously correct, and that its statements are sustained in every particular by the facts and evidence before the committee; and to this memorial the committee beg leave respectfully to refer the Senate.

They find that in the year 1838, a commissioner was despatched to the United States, by President Houston, to endeavor to obtain a Navy for the Republic of Texas, under the provi-

sions of a law providing for this object ; that this commissioner entered into a contract with Frederick Dawson, of Baltimore, on the 13th November, 1838, which will be found in the Appendix to Journals of the fifth Congress, page 202 to 212, in which the said Frederick Dawson stipulated to furnish the Republic of Texas with one ship of war of 500 tons, mounting 18 guns; two brigs of war, each of 300 tons, mounting 12 guns, and three schooners, each mounting 5 or 7 guns; with armaments, equipments, clothing and provisions for 400 men; all of which are fully set forth in the said contract, and which were to be built under the immediate direction and management of an agent of the Government of Texas.

The commissioner thus contracting with Mr. Dawson, stipulated on the part of Texas, that in consideration of his undertaking to fulfill said contract, the Republic would issue to the said Dawson her bonds for \$560,000, to be paid in five years, with interest semi-annually, reserving to herself the right to discharge said bonds by the payment in twelve months of the sum of \$336,000. In consequence of this arrangement, these bonds were deposited in a bank in the city of Philadelphia, and were there retained for upwards of twelve months, when they were delivered to Mr. Dawson--the Republic of Texas being, as is well known, unable to avail herself of the liberal terms secured to her by the contract.

The committee deem it scarcely necessary to say that the said Frederick Dawson fulfilled his contract with promptness and fidelity. In fact, the evidence shows that he furnished larger vessels, arranged for and capable of carrying more guns, and provided them with many more articles, both useful and necessary, than his contract required. This is conclusively shown by the report of Capt. J. G. Tod, the agent of Texas to superintend the construction and outfit of these vessels, and by his letter addressed to Mr. Dawson, to be found in the Journals of the fifth Congress, pages 198-199. In further support of this statement, the committee respectfully refer to the accompanying letter from Commodore Moore, under whose command these vessels were placed, in answer to inquiries addressed to him by the committee, to the statements in which, coming as it does from a source entitled to the highest credit, the attention of your honorable body is respectfully invited.

Commodore Moore also shows that a contract with like stipulations could not now be made on more liberal terms than those contained in that made with Mr. Dawson. The letter of Commodore Ballard, herewith submitted, predicated on the records of

the Bureau of Construction at Washington City, as to the cost of vessels of war of the United States, entirely confirms his opinion. Assuming the cost of the construction of these vessels to be correctly shown by the evidence referred to, and considering the risk incurred by Mr. Dawson in undertaking to deliver them at Galveston, and adding the cost of armament, provisions and clothing for four hundred men, the committee have no hesitation in saying that the contract, on the part of Mr. Dawson, was not only fair, but liberal in its terms, and in its performance more than complied with.

Your committee feel that it is due to Mr. Dawson, to say that in entering into this contract, it could not have been his purpose to extort from the necessities of Texas, for it is well known that with the sum expended by him in performing this contract, he
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The committee find, as stated in the memorial of Mr. Dawson already alluded to, that although he made the contract with the Commissioners of Texas, that other parties aided him to the extent of one-half in fulfilling it, to whom one of the bonds issued to him has been delivered, and by whom it is represented.

Your committee, on a careful review and consideration of the whole case, and after having availed themselves of all the information afforded from every source, have arrived at the conclusion that the claim of Mr. Dawson is entitled not only to justice but to especial favor at our hands. In consideration of the fact that Mr. Dawson was the only one, with means sufficient for her great wants, who was found willing to embark, not only his fortune, but his name, in an enterprise to aid and sustain Texas in an hour of doubt and gloom and despondency, your committee conceive that there is no law which requires, and no consideration which justifies her in declining to acknowledge his claim, or in refusing to make provision for its payment.

The history of the Navy of Texas must ever form an ample and honorable page in the history of the Republic. But while it defended our coast at home, its possession also by us at that early day, was the immediate cause, as stated by Lord Palmerston in the House of Commons, of the recognition of our Independence by England, and which was so soon after followed by that of France.

This navy was procured for us at a time when we numbered, (what we are not afraid now to avow,) scarce twenty thousand souls in all Texas; it was furnished by virtue of a contract entered into with Mr. Dawson, in Baltimore, by Samuel M. Williams, the commissioner especially deputed by the Government to go to the United States to procure the aid. It was perhaps at the darkest period of our history.

The bonds issued to Mr. Dawson are different from those forming the general debt of Texas, and which are mostly redeemable after a period of years, only at the pleasure of the Government, while the debt to Mr. Dawson was agreed to be paid at the end of five years.

The contract thus made has on several occasions been confirmed in full, and was always respected by the Republic. An act of Congress, approved 3d February, 1840, made an appropriation of \$96,000 for funds to pay the interest on the face of the bonds. See laws of the Republic, fourth Congress, page 207.—A joint resolution of the sixth Congress, approved 19th July, 1842, provided that new bonds might be issued to Mr. Dawson for the full amount of his contract, in such smaller sums as he

might require ; and subsequently the vessels as required by the terms of annexation were delivered up to the United States.

In negotiating for annexation, the treaty for which failed in the Senate of the United States in 1844, the Texan commissioners were instructed by the Secretary of State, Sam Houston being then President, that in addition to the instructions that had been given by Stephen F. Austin, so far back as the year 1836, there were only two points not embraced, to which their attention must be directed—the one respected the territory of Texas, the second point, the disposition of the navy.

In relation to this, they were to provide that the national vessels were to become the property of the United States, and that its Government should fulfil the contract with Mr. Dawson.

After annexation, in 1846, though nothing was said in relation to the payment for the Navy, application was nevertheless made to the United States for payment of the bonds issued under the contract, and two consecutive standing committees of the Senate of the United States and one of the House of Representatives, affirmed the justice of the claim, and recommended its payment. But since the passage of the Boundary act, Mr. Dawson has thought it would not be proper in him to renew his application to the United States for a debt for which Texas has released that Government.

And now it does seem to this committee that it would not be the wish of the people of Texas that we, having received provisions, clothing and munitions of war for 400 men, and a navy of six ships of war, used them, and after all the service they have done us, and the acknowledgments we have made, and yielded them up, as yet unpaid for by us, as part of the price of our annexation to the United States, that we should leave the gentlemen whom we sought, and who did not seek us, and who made the contract, being an entire stranger to Texas, with his contract unfulfilled on our part, and himself divested of his fortune, now that we are able to do otherwise.

Mr. Dawson has never pressed upon us in our difficulties ; he has waited patiently while others have been knocking at the door and trying to compel us. And he now comes with a proposition which certainly evidences good feeling, and if advantageous to himself, is at least doubly so to us.

The provision that Mr. Dawson should invest another equal amount in internal improvements in this State, must strike every one as most advantageous to Texas, and this committee would have reported the bill back without amendment, had they not conceived it would be still more beneficial to the State, if Mr.

Dawson would consent to invest the funds in such as are understood by the people as domestic improvements, as contradistinguished from the Pacific Railway. The committee understand that Mr. Dawson, though he would have preferred to have been left unfettered in his choice among any improvements authorised by the State, is still willing for this restriction.

Your committee therefore report the bill back to the Senate, with amendments, and recommend the adoption of the amendments and the passage of the bill.

All of which is respectfully submitted.

M. M. POTTER, Chairman.

Amendments.

Substitute the following for the caption of the bill: "An act to provide for paying Frederick Dawson a portion of the public debt created for the purchase of the navy."

2d. At the end of the first section add the following: "Provided, also, that none of the investment contemplated by this act shall be made by the aforesaid Frederick Dawson in the bonds or funds of any company organized under the provisions of the act entitled 'an act to provide for the construction of the Mississippi and Pacific Railroad,' approved December 21st, 1853."

3d. In section 2, 1st line, after the word "the," and before the word "bonds," insert the following words: "proceeds of the."

Mr. Taylor introduced a bill to require the county court of Cass county to re-convey to D. N. Alley certain town lots in the town of Jefferson, and the notes given to said county for any, or all of said lots, which may have been sold by order of said county court, which may remain unpaid; read first time, and on motion of Mr. Taylor, rule suspended, read second time and engrossed.

On motion of Mr. Taylor, rule further suspended, bill read third time and passed.

Mr. Sublett introduced a bill for the benefit of Mrs. Mary A. Freeman, consort of Thomas Freeman; read first time, and on motion of Mr. Sublett, rule suspended, read second time and referred to the committee on Public Lands.

Mr. Keenan introduced a bill for the relief of William M. Hurt; read first time, and on motion of Mr. Keenan, rule suspended, read second time and referred to the committee on the Judiciary.

Mr. Paschal introduced a bill relating to roads, bridges, ferries and water courses; read first time, and on motion of Mr. Paschal, read second time and referred to the committee on Roads, Bridges and Ferries.

Said committee were instructed, on motion of Mr. Bryan, to report, (if they should deem it proper,) a substitute authorising the county courts to regulate roads, bridges, &c.; and, also, to levy a tax for that purpose in their respective counties.

Mr. Potter introduced a bill to authorise the claims of the "Texas Association," commonly known as Mercer's Colony, to be judicially investigated and settled; read first time, and on motion of Mr. Bryan, rule suspended, read second time and referred to the committee on the Judiciary.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported a bill to amend an act incorporating the Buffalo Bayou, Brazos and Colorado Railway company, approved 11th February, 1850, correctly engrossed.

Mr. Gage moved to take up a joint resolution requiring the Governor to submit to a vote of the people, a proposition to loan the school fund in aid of the construction of railroads.

Mr. Hart moved a reconsideration of the vote on yesterday, ordering the engrossment of a bill to provide for the investment of \$2,500,000 of the special school fund in bonds of railroad companies.

On motion of Mr. Sublett, there was a call of the Senate.

Mr. Hart moved that the Senate adjourn until 9 o'clock to-morrow morning; lost by the following vote, Mr. Taylor being in the chair:

YEAS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Kyle, Martin, Newnan, Pedigo, Potter, Scarborough, Taylor, Weatherford, Whitaker and Wren—15.

NAYS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hill, Jowers, Keenan, Lott, McDade, Millican Paschal, Scott, Sublett and Superviele—15.

Mr. Sublett moved that a committee be appointed to take the vote of Mr. McAnelly on the motion of Mr. Hart to reconsider.

On motion of Mr. Hart, there was a call of the Senate.

Mr. Kyle moved to take up a bill for the relief of the creditors of the late Republic of Texas.

On motion of Mr. Jowers, there was a call of the Senate.

Mr. Keenan moved a suspension of the call; lost.

Mr. Scott moved to excuse Messrs. Edwards and McAnelly on account of sickness.

On motion of Mr. Potter, there was a call of the Senate.

Mr. Sublett raised the following point of order: That it was not competent to move a call of the Senate upon a motion to raise a committee to take the votes of all the absent Senators, when it was known they were sick.

The President decided that there was no legislative rule applicable to the case; that in the Congresses and Legislatures of Texas, custom had sanctioned the practice of appointing committees to wait upon Senators who were indisposed and taking their votes; that it could only be considered an act of courtesy on the part of the Senate; and that as the custom was one honored by time, and that as the motion for a call of the Senate must be made to defeat this object, he ruled the call as being out of order.

Messrs. Jowers and Kyle were appointed a committee to wait on Mr. McAnelly, who was reported sick by the Seargeant-at-Arms, and take his vote.

Mr. Wren moved that the Senate adjourn until 10 o'clock to-morrow morning; lost by the following vote:

YEAS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Martin, Pedigo, Potter, Scarborough, Whitaker and Wren—11.

NAYS—Messrs. Allen, Bryan, Doane, Durst, Edwards, Gage, Hill, Keenan, Lott, McDade, Millican, Newman, Paschal, Scott, Sublett, Superviele, Taylor and Weatherford—18.

Mr. Burks moved to adjourn until 9 o'clock to-morrow morning; lost.

Mr. Burks moved that the Senate adjourn until 8 o'clock to-morrow morning; lost.

Mr. Burks moved that the Senate adjourn until 12 o'clock to-morrow; lost.

Mr. Burks moved that the Senate adjourn until 3 o'clock p. m. to-morrow; lost.

Mr. Wren moved that the Senate adjourn until 3 o'clock p. m.; lost by the following vote:

YEAS—Messrs. Armstrong, Hart, Holland, Martin, Pedigo, Potter, Scarborough, Taylor, Whitaker and Wren—10.

NAYS—Messrs. Allen, Bryan, Burks, Doane, Durst, Edwards, Gage, Guinn, Hill, Keenan, Lott, McDade, Millican, Newman, Paschal, Scott, Sublett, Superviele and Weatherford—19.

Mr. Wren moved that the Senate adjourn until 4 o'clock p. m.; lost by the following vote:

YEAS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Martin, Newman, Pedigo, Scarborough, Whitaker and Wren—11.

NAYS—Messrs. Allen, Bryan, Doane, Durst, Edwards, Gage, Hill, Keenan, Lott, McDade, Millican, Paschal, Potter, Scott, Sublett, Superviele, Taylor and Weatherford—18.

Mr. Burks moved a reconsideration of the vote refusing to adjourn until 4 o'clock p. m.

The President decided the motion out of order.

Mr. Holland moved to adjourn until 3 o'clock P. M.; lost by the following vote:

YEAS—Messrs. Armstrong, Guinn, Hart, Holland, Kyle, Martin, Newman, Potter, Scarborough, Weatherford, Whitaker and Wren—12.

NAYS—Messrs. Allen, Bryan, Doane, Edwards, Gage, Hill, Jowers, Keenan, Lott, McDade, Millican, Paschal, Scott, Sublett and Superviele—15.

Mr. Weatherford moved that the Senate adjourn until 3 o'clock P. M.; lost.

Mr. Allen moved that the Senate adjourn until 9 o'clock tomorrow morning; lost by the following vote:

YEAS—Messrs. Allen, Armstrong, Burks, Guinn, Holland, Kyle, Martin, Newman, Pedigo, Weatherford and Whitaker—11.

NAYS—Messrs. Bryan, Doane, Edwards, Gage, Hill, Jowers, Keenan, Lott, McDade, Millican, Paschal, Scott, Sublett, Superviele and Wren—15.

On motion of Mr. Holland, a committee was appointed to wait on Mr. Edwards and receive his vote on the motion to reconsider, to be cast whenever the vote on that question is taken.

Messrs. Holland and Paschal were appointed said committee.

Mr. Taylor, from the committee on Engrossed Bills, reported as correctly engrossed a bill to require the county court of Cass county to re-convey to D. N. Alley certain town lots in the town of Jefferson, and the notes given to said county for any or all of said lots, which may have been sold by order of said county court, which remains unpaid.

The vote on Mr. Hart's motion to reconsider stood as follows:

YEAS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Kyle, Martin, McAnelly, Newman, Pedigo, Potter, Scarborough, Weatherford, Whitaker and Wren—15.

NAYS—Messrs. Allen, Bryan, Doane, Edwards, Gage, Hill, Jowers, Keenan, Lott, McDade, Millican, Paschal, Scott, Sublett and Superviele—15.

There being a tie, the President voted in the negative, and the Senate refused to reconsider.

Mr. Durst being absent, Mr. Taylor, by agreement, did not vote on the preceding question.

On motion of Mr. Hill, a bill incorporating the Galveston Bay Canal company was taken up, read second time and referred to the committee on Internal Improvements.

On motion of Mr. Bryan, Mr. Edwards was excused for the rest of the session on account of ill health.

Mr. Hart moved that the Senate adjourn until 10 o'clock to-morrow morning; lost.

On motion of Mr. Weatherford, the Senate adjourned until 9 o'clock to-morrow morning.

FRIDAY, January 20, 1854.

The Senate met pursuant to adjournment—roll called—quorum present—prayer by the Chaplain.

The Journal of yesterday was read and adopted.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported a bill to provide for the investment of \$2,500,000 of the special school fund in the bonds of railroad companies, correctly engrossed.

Mr. Hart, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Sarah Ursery, reported, that from the evidence the relief sought should be granted. The committee, therefore, recommend the passage of the bill.

Mr. Jowers, chairman of the committee on Public Lands, to whom was referred a bill for the benefit of Mrs. Mary A. Freeman, consort of Thomas Freeman, reported the same back and recommended its passage with the following amendment: Strike out "twelve hundred and fifty," and insert "six hundred and forty."

Mr. Millican introduced a bill for the relief of the heirs-at-law of Frances M. Litton; read first time, and on motion of Mr. Millican, the rule was suspended, read second time, and referred to the committee on Private Land Claims.

On motion of Mr. Bryan, a bill to incorporate the Columbia, Wharton and Austin Railroad company, originating in the House, was taken up, read first and second times and referred to the committee on Internal Improvements.

Mr. Kyle moved a suspension of the rule, in order to take up a bill for the relief of the colonists of Fisher and Miller's colony; lost.

On motion of Mr. McAnelly, the rule was suspended, and a bill to encourage the building of steamboats, steamships and